

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

COUNTY OF MADISON, STATE OF
ILLINOIS, *et al.*,

Plaintiffs,

v.

Case No. 10-cv-919-JPG

FEDERAL EMERGENCY MANAGEMENT
AGENCY, *et al.*,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs' Motion to Shorten Time to Respond and to Expedite Rule 16 Conference (Doc. 11).

As a matter of background, Defendant Federal Emergency Management Agency ("FEMA") recently de-accredited levees that protect the American Bottoms area of Madison, Monroe, and St. Clair Counties, Illinois. Plaintiffs have filed a pending Motion for Preliminary

Injunction (Doc. 6) that seeks to stay any Letter of Final Determination or any action of FEMA to finalize preliminary Flood Insurance Rate Maps in accordance with this de-accreditation.

FEMA announced that it will make such maps final in June 2011. Defendants have yet to appear in this case, and they have until 60 days after service of Plaintiffs' Complaint (Doc. 2) on their attorney(s) to do so. Fed. R. Civ. P. 12(a)(2). In the instant motion, Plaintiffs ask that this 60-day time frame for a responsive pleading be cut in half and that the Federal Rule of Civil Procedure 16 scheduling conference be set immediately thereafter.

Here, while the Court recognizes that it may well have the power to expedite Defendants' entry in this case, *see Studebaker Corp. v. Gitlin*, 360 F.2d 692, 694 (2d Cir. 1966), it will not do so here. Once Defendants enter their appearance in this case, the Court plans to hold a telephone

status conference shortly thereafter that should alleviate Plaintiffs' concerns for expeditiousness. During said conference, the parties shall provide the Court with their projected courses of action in this case, and the Court shall set a briefing schedule and hearing date for the preliminary injunction motion. The Court is mindful of the complexity of the underlying factual and legal issues as well as the impending finalization of the Flood Insurance Rate Maps in June 2011, but it is also mindful of Defendants' right to thoughtfully respond to the request for a preliminary injunction. With respect to the request for an expedited Rule 16 conference, the Court will allow the parties to raise this issue during the abovementioned telephone status conference.

For the foregoing reasons, the Court **DENIES** the instant motion (Doc. 11).

IT IS SO ORDERED.

DATED: December 7, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE